

REMARKS

The Office Action mailed November 16, 2005, has been carefully reviewed and the foregoing amendment has been made in response thereto. Claims 1-43 have been canceled and claims 44-48 have been added. Claims 44-48 are pending in the application.

Although all previously pending claims have been canceled and the prior rejections are now moot, new claims 44-48 will be compared with the basis of the prior rejections as follows.

With regard to double patenting, the subject matter of claims 44-48 would not be obvious in view of the claims of patent 5,813,972. Claim 1-15 recite control commands exchanged between devices but lacks the configuration data as claimed in the present application. Specifically, claim 44 recites transmitting configuration messages from the controller to the adapter pods wherein the configuration messages include a pump configuration message for configuring a pump and wherein the configuration messages include device association data for establishing a device association between two of the perfusion devices that persists even if there is a subsequent failure of the controller. Since the subject matter of claims 1-15 of the '972 patent fail to either teach or suggest the limitations of claim 44, claims 44-48 are patentably distinct and would not result in double patenting.

With regard to the previous rejections under 35 USC 103(a), the cited references (whether alone or in combination) fail to either teach or suggest the configuration messages recited in claims 44-48. For example, Sites et al does not even show a communication bus. Instead, each device is individually connected to computer system 110 (see Figure 3 of Sites). Aggers et al discloses the use of different message types, but it has no teaching of configuration messages as claimed in the present application wherein device association data establishes a device association between two of the perfusion devices that persists even if there is a subsequent failure of the controller. Grudowski et al, Milling, Rowett, and Hamlin also fail to teach or suggest these aspects of the present invention.

In view of the foregoing amendment and remarks, claims 44-48 are now in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark L. Mollon", written over a horizontal line.

Mark L. Mollon

Attorney for Applicant(s)

Reg. No. 31,123

Dated: February 15, 2006
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(734) 542-0900
(734) 542-9569 (fax)